

# STATE OF CONNECTICUT

## ARCHITECTURAL LICENSING BOARD

TEL. NO. (860) 713-6135

*-MINUTES-*

NOVEMBER 16, 2012

The six hundred and seventy sixth meeting of the Architectural Licensing Board, held on November 16, 2012, was called to order by Mr. S. Edward Jeter at 8:35 AM in Room No. 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

### **Board Members**

<b>Present:</b>	David H. Barkin	Board Member
	Carole W. Briggs	Board Member
	Robert B. Hurd	Board Member
	S. Edward Jeter	Chairman
	Pauline S. Morales	Board Member

### **Board Members**

**Not Present:** None

**Vacancy:** None

<b>Others Present:</b>	Robert M. Kuzmich	Department of Consumer Protection (DCP)
	Steven J. Schwane	Department of Consumer Protection
	Peter R. Huntsman	Attorney General's Office
	Diane Harp Jones	AIA/CT
	Bruce Spiewak	AIA/CT

Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: [www.ct.gov/dcp](http://www.ct.gov/dcp)

Division E-Mail: [occtrades@ct.gov](mailto:occtrades@ct.gov)

## **1. Old Business**

1A. Submission of the minutes of the September 21, 2012 Architectural Licensing Board Meeting; for review and approval. *The Board voted unanimously to approve the minutes as written. (Briggs/Hurd)*

1B. Continuation of discussion concerning Licensing Law and One and Two Family Homes; for discussion by the Board. Mr. Spiewak noted an apparent conflict in statutes as noted in the blow excerpt from his e-mail to the Board:

"It appears that the "notwithstanding the provisions of chapter 390" clause in C.G.S. 29-276c(a) seems to require that any "non-transient residential dwellings having more than sixteen units or twenty-four thousand square feet total gross area per building...." comply with 29-276c (a) and (b), which would require an Architect or Engineer of Record to sign and seal the documents as well as review of shop drawings and provide observation of construction. It would also require the statement of substantial compliance to be issued by the Architect or Engineer prior to issuance of a C. of O. This would apply to one and two family dwellings or additions 24,000 g.s.f. area per building.

This is contrary to what I would have said prior to this e-mail – I thought that one and two family residential buildings were exempt from needing an Architect or Engineer of Record regardless of size, per C.G.S. Chapter 390:

**Sec. 20-298. Exempted activities.** The following activities are exempted from the provisions of this chapter: (1) The practice of engineering by a professional engineer licensed under the provisions of chapter 391, and the performance by such professional engineer of architectural work for which such professional engineer is qualified by education and experience and which is incidental to such professional engineer's engineering work; (2) the construction or alteration of a residential building to provide dwelling space for not more than two families, or of a private garage or other accessory building intended for use with such residential building, or of any farm building or structure for agricultural use;

Mr. Huntsman noted that whenever there is a conflict in the Statutes, the Courts will attempt to harmonize the statutes and read them both together so that they both can be given effect to the maximum extent possible. In this case, he believes given the language of both Statute Sections, the interpretation is that residential dwellings up to 23,999 square feet are considered exempt.

Mr. Huntsman noted that perhaps legislative history may yield the intent of how this language was derived and then come up with a directive that can be given to the public. He will research this possibility and communicate his findings to Mr. Kuzmich before the Board's next meeting. Given the current language, he believes that there will be no overturning of how the law reads based upon the fact that a reference is specifically made to the requirements of Chapter 390. It was also noted that a Building Official, regardless of what the Statutes state, can require more restrictive guidelines if they feel there is reason to do so in the interest of public safety.

As an aside, the Department was asked to post the Board's definition of the term "Architect" as derived from their recent discussions, on their website. Mr. Kuzmich will pursue this request.

## **2. New Business**

2A. The following candidates have passed the *Architect Registration Examination* and are recommended by the Department of Consumer Protection for licensing as Architects in the State of Connecticut; *the Board voted, unanimously, to approve the following individuals for licensing as architects in Connecticut. (Briggs/Hurd)*

1. Caisse, Tracy
2. O'Neill, Christopher J.
3. Paulos, Jr., Peter E.
4. Petruccione, Sherry
5. Rosalie, Michael

2B. Applications for licensing by waiver of examination; the following individuals are recommended by the Department of Consumer Protection for licensing as architects in the State of Connecticut on the basis of waiver of examination with an NCARB Certificate Record or by Direct Endorsement; *the Board voted, unanimously, to approve the following individuals for licensing as architects in the State of Connecticut. (Briggs/Hurd)*

1	Agarabi, Dario	Waiver of Examination; New York	Direct
2	Bakas, Benjamin	Waiver of Examination; New Jersey	(NCARB File No. 108529)
3	Balestri, Carlo H.	Waiver of Examination; New York	(NCARB File No. 94456)
4	Bouchard, Michael E.	Waiver of Examination; Massachusetts	(NCARB File No. 100915)
5	Burk, John G.	Waiver of Examination; Pennsylvania	(NCARB File No. 82006)
6	Chin, West Y. F.	Waiver of Examination; New York	(NCARB File No. 680883)
7	Collins, Kevin E.	Waiver of Examination; Virginia	(NCARB File No. 72222)
8	Cruz, Jorge M.	Waiver of Examination; New York	Direct
9	Dover, Randall W.K.	Waiver of Examination; Texas	(NCARB File No. 36571)
10	Drown, Joseph S.	Waiver of Examination; Massachusetts	(NCARB File No. 55944)
11	Getz, Gary D.	Waiver of Examination; Maryland	(NCARB File No. 410913)
12	Gillies, Peter	Waiver of Examination; New York	(NCARB File No. 107066)
13	Gomes, Francisco H.	Waiver of Examination; Texas	(NCARB File No. 55992)
14	King, Daniel S.	Waiver of Examination; Missouri	(NCARB File No. 137477)
15	Klee, Charles S.	Waiver of Examination; Pennsylvania)	(NCARB File No. 60198)
16	Leach, Blair S.	Waiver of Examination; Oregon	(NCARB File No.
17	Marietta, Richard A.	Waiver of Examination; District of Columbia	(NCARB File No. 18812)
18	McGeorge, Matthew J.	Waiver of Examination; Massachusetts	(NCARB File No. 79583)
19	McKenna, Brian J.	Waiver of Examination; Massachusetts	(NCARB File No. 100955)
20	Miller, Jr., James R.	Waiver of Examination; New York	(NCARB File No. 89460)
21	Miller, John	Waiver of Examination; Massachusetts	(NCARB File No. 10894)
22	Novelli, Christopherr J.	Waiver of Examination; Massachusetts	(NCARB File No. 97451)
23	Scheid, Douglas M.	Waiver of Examination; New York	(NCARB File No. 88700)
24	Shea, Timothy	Waiver of Examination; Colorado	Direct
25	Slagle, III, Owen F.	Waiver of Examination; Ohio	(NCARB File No. 47145)
26	Thompson, Andrew R.	Waiver of Examination; New York	(NCARB File No. 135990)

2C. Application for the Joint Corporate Practice of Architecture and Professional Engineering; the Department has reviewed and recommends for approval the following application; *the Board voted, unanimously, to approve the following applications for the Corporate Practice of Architecture in Connecticut. (Briggs/Hurd)*

McKinnell, McKinnell & Taylor CT, Inc. Gail P. Trachtenberg, Director  
1857 William Penn Way, Suite 201 Connecticut Lic. No. 117776  
Norwell, Massachusetts 02061

2D. Report from Trade Practices Division concerning Complaints associated with the Architectural Licensing Board; for the Board's information. Mr. Kuzmich reported that he has not received a report to date. Ms. Briggs reminded the Board that Mr. Maloney was invited to attend today's meeting. After some brief discussion, the possibility that there was a misunderstanding in communication between Mr. Kuzmich and Mr. Hurlburt since Mr. Kuzmich was not present at the last meeting was considered by the Board. As such, Mr. Kuzmich will ask Mr. Maloney to attend the Board's January 18, 2013 Regular Meeting.

In response to a question from Ms. Harp Jones, it was noted that Mr. Maloney's Division was reorganized giving him more time to devote to the Professional and

Occupational Boards and Commissions. She also raised the possibility that the more serious violations such as misuse of the title architect may not be brought specifically to the Board's attention when such an action is grouped under the listing of general complaints

2E. Update from the Department's Legal Staff regarding any Board issues or otherwise.

Mr. Schwane noted that he has no issues to bring to the Board's attention at this point.

2F. The Department has set the following dates for the Architectural Licensing Board for the Calendar Year 2013: Mr. Kuzmich noted the new start time of 9:00 AM and cited the need to allow some extra time to prepare the meeting room. The Board agreed to the change and acknowledged the dates.

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|---------------------|-----------------------|
| 1. January 18, 2013 | 4. July 19, 2013      |
| 2. March 15, 2013   | 5. September 20, 2013 |
| 3. May 17, 2013     | 6. November 15, 2013  |

Location: State Office Building, 165 Capitol Avenue  
Room No. 117, Hartford, CT 06106

Time 9:00 AM

2G. Any correspondence and/or business received in the interim.

1. Mr. Kuzmich stated that he received an e-mail inquiry from Mr. Mikloiche, a Building Official from the Town of West Hartford asking if an architect can stamp Electrical, HVAC, Plumbing, or other Mechanical type drawings or do those types of plans have to be stamped by an engineer. His e-mail also contained a response from the former State Building Official Christopher Laux who answered this question by stating the following:

"If it requires engineering it must be stamped by a PE, but if it's just an electrical plan or plumbing layout FOR A BUILDING THEY DESIGNED it can be stamped by an architect as incidental to the building design"

The Board agrees with Mr. Laux's statement in general terms. The Board also assumes that these engineering drawings are mainly graphic in nature and not detailing specific engineering. Mr. Hurd said the discretion of whether or not a Professional Engineer is required on the design a particular project is up to the Building Official and very much

depends on the nature of the project. Ms. Briggs believes the non-specific use of the term “incidental” in the statutes is intentional and should leave room for discussion on a case-by-case basis.

*The meeting adjourned at 9:16 a.m. (Briggs/Hurd) The next regular meeting of the Architectural Licensing Board is scheduled for Friday, January 18, 2013 at 9:00 a.m.; State Office Building; Room 117; 165 Capitol Avenue, Hartford, Connecticut.*

Respectfully Submitted,

Robert M. Kuzmich, R.A.  
Board Administrator